

EXHIBIT H

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - x
KATHY DREW-KING, REGIONAL DIRECTOR OF
REGION 29 OF THE NATIONAL LABOR
RELATIONS BOARD for and on behalf of THE
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

No. 1:22-cv-01479

-v-

AMAZON.COM SERVICES LLC,

Respondent.

- - - - - x
101 Park Avenue
New York, New York 10178

May 20, 2022
10:10 A.M.

VIDEOGRAPHED DEPOSITION of TRISTIAN
MARTINEZ, taken by THE RESPONDENT, in
the above-entitled action, held at the
above time and place, taken before
CYNTHIA C. LANANNA, a Shorthand Reporter
and Notary Public within and for the
State of New York.

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1
2 this time we would ask all
3 parties present and any and all
4 parties attending remotely please
5 enter their appearance with your
6 full name and the parties you
7 represent for the video record.

8 MR. MURPHY: Christopher J.
9 Murphy, Morgan Lewis and Bockius
10 for the Respondent, Amazon.com
11 Services LLC, and Richard
12 Rosenblatt for Morgan Lewis on
13 behalf of Amazon is participating
14 remotely.

15 MS. OJO: Samantha Ojo for
16 Morgan Lewis, also for the
17 Respondent.

18 MR. MEADOWS: Maxwell
19 Meadows from Emanuel on behalf of
20 the Witness.

21 MR. JACKSON: Matthew A.
22 Jackson for the National Labor
23 Relations Board, and I would add
24 that we have Nancy K. Reibstein
25 and Evamaria Cox also from the

1
2 National Labor Relations Board
3 listening remotely.

4 MR. KEARL: Frank Kearn from
5 Make the Road New York
6 representing the Witness.

7 THE VIDEOGRAPHER: Thank
8 you. Just for the record, today
9 is Friday, May 20th, 2022. The
10 time on the video monitor,
11 10:13 A.M. Madame Court
12 Reporter, will you please swear
13 in the Witness at this time,
14 after which we may proceed.
15 Thank you.

16 Tristian R. Martinez,
17 the Witness herein, having been first
18 duly sworn by a Notary Public of the
19 State of New York, was examined and
20 testified as follows:

21 THE COURT REPORTER: State
22 your name for the record, please.

23 THE WITNESS: Tristian Ray
24 Martinez.

25 THE COURT REPORTER: State

1
2 your address for the record,
3 please.

4 THE WITNESS: 23 Prospect
5 Avenue, Staten Island, New York
6 10301.

7 EXAMINATION

8 BY MR. MURPHY:

9 Q. And you pronounce it Tristian?

10 A. Tristian, yes.

11 Q. Ready? Okay. Good morning,
12 Mr. Martinez.

13 A. Good morning.

14 Q. As you just heard from the
15 introductions, my name is Chris Murphy.
16 I'm an attorney representing Amazon.com
17 Services LLC in this case, which has
18 been brought by Kathy Drew-King,
19 Regional Director of Region 29 of the
20 National Labor Relations Board against
21 Amazon seeking an injunction under
22 Section 10(j) of the National Labor
23 Relations Act. Do you understand that
24 that's what this case is about?

25 A. I -- I understand this is a case

1 T. MARTINEZ
2 for the -- for the NLRB against Amazon.

3 Q. And do you know what the -- what
4 relief, if any, the NLRB is seeking in
5 this case?

6 A. What do you mean by, "relief"?

7 Q. What's the result they hope to
8 achieve through this litigation?

9 A. I believe it's to get
10 Gerald Bryson reinstated.

11 Q. Have you ever been deposed
12 before, Mr. Martinez?

13 A. I have not.

14 Q. So let me give you some basic
15 ground rules, and I'm sure they will
16 substantially overlap whatever your
17 various counsels told you. This is
18 going to be a conversation of sorts.
19 I'm -- I'm going to ask you questions;
20 you'll answer them. Obviously, it's
21 not like we're having a conversation in
22 private, you know? There's a court
23 reporter and there's a videographer and
24 there's, you know, several lawyers in
25 the room, but -- but hopefully it will

1 T. MARTINEZ
 2 all the rallies in general?
 3 Q. All the rallies in general.
 4 A. Okay, so if about other rallies
 5 that one of the topics was organizing
 6 JFK8, probably more than 10.
 7 Q. How many?
 8 A. I can't speak to an exact
 9 amount. Maybe --
 10 Q. Okay, so now I want to ask you
 11 about the period before your affidavit,
 12 okay? Starting from the time you began
 13 to solicit authorization cards in April
 14 2021 through the time that you --
 15 through the time that you signed your
 16 affidavit, how many rallies did you
 17 attend sponsored by the ALU or not at
 18 which a topic was the ALU's attempt to
 19 organize JFK8?
 20 MR. MEADOWS: Object to
 21 form.
 22 A. As I stated before, probably
 23 about 10. I can't speak to an exact
 24 amount.
 25 Q. So 10 in the earlier time

1 T. MARTINEZ
 2 period? The time period between the
 3 April 2021, when you began to solicit
 4 authorization cards, and November 10th,
 5 when you signed your affidavit?
 6 A. I'm sorry. If it's at that
 7 time, I would say less than 10.
 8 Q. Did -- all of these rallies --
 9 did you simply attend them or did you
 10 actively participate in them in some
 11 fashion?
 12 MR. MEADOWS: Object to
 13 form.
 14 A. There was some that I actively
 15 participated in and some that I
 16 attended.
 17 Q. And what was your active
 18 participation in some of those rallies?
 19 A. I would either help organize or
 20 I would speak at the rally.
 21 Q. And in the period from
 22 April 2021 until the time you signed
 23 your affidavit, did you speak at any
 24 rallies?
 25 MR. MEADOWS: Objection to

1 T. MARTINEZ
 2 form.
 3 A. Not that I can specifically
 4 recall.
 5 Q. But -- but since you signed your
 6 affidavit until the election took
 7 place, you did speak at rallies?
 8 MR. MEADOWS: Objection to
 9 form.
 10 A. One or two.
 11 Q. So in -- in paragraph 7 you
 12 state that you noticed an increase in
 13 participation from Amazon employees at
 14 the rally in the summer of 2021. Do
 15 you see that in your affidavit?
 16 A. I'm sorry. You said the,
 17 "increase?"
 18 Q. Yeah. Paragraph 7. Yeah. You
 19 noticed, quote,
 20 "Noticed an increase in
 21 participation from Amazon employees at
 22 the rally in summer of 2021," end
 23 quote.
 24 You see that?
 25 A. Yeah.

1 T. MARTINEZ
 2 Q. What do you mean by, "increased
 3 participation?"
 4 MR. MEADOWS: Objection to
 5 form.
 6 A. More associates would attend the
 7 rallies.
 8 Q. And those associates that
 9 attended -- were they more -- you know
 10 what the word, "vociferous," means?
 11 Were they more loud? Were they more
 12 engaged?
 13 MR. MEADOWS: Object to
 14 form.
 15 A. They were open.
 16 Q. Okay. Open in what way?
 17 A. Open to listening.
 18 Q. You also state in that
 19 paragraph, quote,
 20 "I think the increase is because
 21 of the organizing that has been done
 22 since March 2020."
 23 Do you see that?
 24 A. Yes.
 25 Q. So do you mean that the work

1
2 - - - - -
3 ERRATA
45 PAGE LINE CHANGE
6 _____
7 _____
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1
2 A C K N O W L E D G E M E N T
3 STATE OF NEW YORK)
4 :SS
5 COUNTY OF _____
6 I, TRISITAN R. MARTINEZ, hereby
7 certify that I have read the transcript
8 of my testimony taken under oath on May
9 20th, 2022, that the transcript is a
10 true, complete and correct record of
11 what was asked, answered and said during
12 my testimony under oath, and that the
13 answers on the record as given by me are
14 true and correct, except for the
15 corrections or changes in form or
16 substance, if any, noted in the attached
17 Errata Sheet.

18
19 TRISITAN R. MARTINEZ
20 Signed and subscribed to
21 before me, this _____ day
22 of _____, _____.
23
24
25

Notary Public

1
2 I N D E X O F W I T N E S S E S
3

4 EXAMINATION BY PAGE
5 MR. MURPHY 8

6 I N D E X O F E X H I B I T S
7

9 NAME	DESCRIPTION	PAGE
10 1	AFFIDAVIT	67
11 2	COMMON INTEREST AGREEMENT	103
12 3	COMMON INTEREST AGREEMENT	115
13 4	TWITTER VIDEO	235
14 5	VIDEO CLIP 1	240
15 6	VIDEO CLIP 2	240

1
2 C E R T I F I C A T E
3 I, CYNTHIA C. LANANNA, a shorthand
4 reporter and Notary Public within and
5 for the State of New York, do hereby
6 certify:

7 That the Witness(es) whose testimony
8 is hereinbefore set forth was duly sworn
9 by me, and the foregoing transcript is a
10 true record of the testimony given by
11 such Witness(es).

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or marriage, and that I
15 am in no way interested in the outcome
16 of this matter.

Cynthia C. Lananna



21 Cynthia C. Lananna, a
22 Court Reporter and Notary
23 Public
24 Date: June 2, 2022